

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

15

Marcus Darnell Ford

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

v.

Stan Brue

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case:2:23-cv-11136

Judge: Roberts, Victoria A.

MJ: Altman, Kimberly G.

Filed: 05-15-2023 At 11:33 AM

PRIS FORD V BRUE (LG)

Jury Trial: ☒ Yes ☐ No
(check one)

**Complaint for Violation of Civil Rights
(Prisoner Complaint)**

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Marcus Darnell Ford
 All other names by which you have been known:
N/A
N/A
 ID Number 819213
 Current Institution Carson City Correctional
 Address 10274 Boyer Rd.
Carson City, MI 48811

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Stan Brue
 Job or Title Contractor
 (if known)
 Shield Number N/A
 Employer City of Detroit Homicide Division
 Address 50154 Black Horse Lane
Canton, MI 48188

☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name N/A
Job or Title
(if known) N/A
Shield Number N/A
Employer N/A
Address N/A
N/A

☐ Individual capacity☐ Official capacity

Defendant No. 3

Name N/A
Job or Title
(if known) N/A
Shield Number N/A
Employer N/A
Address N/A
N/A

☐ Individual capacity☐ Official capacity

Defendant No. 4

Name N/A
Job or Title
(if known) N/A
Shield Number N/A
Employer N/A
Address N/A
N/A

☐ Individual capacity☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

To be free from improper deprivation of my life and liberty under the U.S. Constitution, 5th and 14th Amendments; Mich Const. of 1963 ART 1 § 17 and 20; 18 USC § 1519; MCL 750.483(A)(5)(a). Mr. Stan Brue acted as an independant contractor, without government immunity per MCL 691.1407(2).

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Stan Brue altered diagrams and testimony. Brue produced cell phone records, and diagrams between 10/2015 - 1/2016 which were in the discovery of the plaintiffs criminal case. At a 3/2016 preliminary hearing in a different defendant's case (Ernest Jackson Jr.), Brue produced diagrams and testimony of the location of Jackson's cell phone. To place him at the scene of the crime.

Brue then testified at the plaintiff's trial in 11/2016 8 months after Jackson's preliminary exam. Brue's diagrams and testimony at the plaintiff's 11/2016 trial was significantly different from the items in the plaintiff's discovery. Brue's trial testimony was also different from testimony Brue gave at Jackson's preliminary hearing.

This violates MCL 750.483(A)(5)(a) as defined by *Mays v. Governor* 506 Mich 157(2020).

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose. *The changes in the data occurred at various times between Oct 2015 and Nov 2016, at a workplace unknown to the plaintiff at the desktop and/or laptop of Stan Brue. The testimony Brue gave describing his data that established the alterations made to the cell data occurred at Jackson's preliminary exam held March 21, 2016, and in Judge Michael Callahan (P25721) courtroom on Nov 16, 2016. Additional items of data provided by Stan Brue were provided in the discovery file number DPD HF 15-6.*
- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.
N/A
- C. What date and approximate time did the events giving rise to your claim(s) occur?
On Nov 16, 2016 when Brue testified at plaintiff's criminal trial. In 2023 the Attorney General admitted Brue's testimony was a "mere inconsistent" plaintiff believes the AG's categorization is bias but it was at this point the plaintiff knew Brue's misconduct could not go unacknowledge or unpunished.

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Star Brue produced data in the discovery of plaintiff and testified at Jackson's preliminary exam of the location of Jackson's cell phone after a 911 call. Brue testified Jackson's cell phone after the 911 call had 9 calls that all interacted with a tower on State Fair and Gratiot consistent with Jackson being in the area of the crime scene from 1:07am until 3:40am. Then 8 months later at the plaintiff's criminal trial Brue testified several of Jackson's calls during this same time frame between 1:07am and 1:37am after the 911 call interacted with a cell tower on Moross and Morang consistent with Jackson being on Rex and Morang.

The diagrams and records produced by Brue and testified to at the plaintiff's trial was also inconsistent and different from diagrams and phone records also produced by Brue provided to the plaintiff via the plaintiff's discovery.

APA Athina Siringas P35761 was present and conducted Jackson's preliminary hearing and the plaintiff's trial on behalf of the State of Michigan.

The evidence of Mr. Brue's cell phone data and testimony of 10/2015, 1/2016, and 3/2016 was clearly tampered with when it was different on 11/16/2016.

Mr. Brue's work is suspect as being accurate and at a minimum members of the Detroit Police Homicide Division (now Fatality unit) connected to this case and/or APA Sirigas provided Brue with a copy of Jackson's plea deal statement. This was done in order for Brue to alter the data from what it entailed at Jackson's preliminary to the change given at the plaintiff's (Ford's) trial in order to corroborate, match, and line up with the testimony Jackson the state's witness would give against Mr. Ford. Without Brue's alteration's Jackson's plea deal statement and testimony would have no corroboration or collaboration so it's apparent the Detroit Police and/or prosecutor's office was involved in some capacity.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

- ① Loss of consortium-parent to child relationship as well as deprivation of spousal relationship
- ② Past and continuing emotional distress, Mental anguish and oppression
- ③ Loss of wages, liberty, freedom, property, time, society, companionship, money from restitution, store items,
- ④ Violation of multi Constitutional rights 4,5,8,14 (failure to protect, deliberate indifference)
- ⑤ Impaired earning capacity
- ⑥ False light, defamation, shame, humiliation, embarrassment
- ⑦ Invasion of privacy
- ⑧ Intentional infliction of emotional distress
- ⑨ Fright of Authorities
- ⑩ Future medical expenses

Medical treatment would be needed in the form of therapy, for the emotional distress, mental anguish and oppression from the incarceration and loss of companionship and fright of authorities. Medical treatment will also be needed to treat the damage caused by the dangerous, and damaging sleeping apparatus used all of the years incarcerated, and a damaged eye drum MDOC has refused to correct.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would like the court to sanction the Detroit Police Department. Also to award money damages in the amount of 10,000,000 dollars for each of the punitive, actual, and speculative damages claimed for a total of 30 million dollars. The willful misconduct, callous indifference, and intentional and autocratic discrimination perpetrated by Stan Brue in this civil conspiracy to obtain the conviction and incarceration of the plaintiff. The misconduct caused and continues to cause mental anguish, anxiety and distress. The defendant's actions has caused a considerable level of distrust in authorities, and the integrity of the criminal justice process. The damages stemming from the misconduct includes a loss of consortium for the plaintiff's separation and divorce from his spouse and severed relationship, presence, and nurturing of his two daughters from that union. Additionally the loss of the 13 plus years the plaintiff was employed with the City of Detroit and the hinderance of completing his college degree due to the intentional alteration of evidence by Stan Brue to ensure a guilty verdict and incarceration.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes

☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

N/A

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☒ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

N/A

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

N/A

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

N/A

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

This matter has no administrative remedy other than my appeal to the Michigan Supreme court which was finalized on 2/4/2020.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) N/A

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

N/A

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s)

N/A

Defendant(s)

N/A

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: May 08, 2023.

Signature of Plaintiff

Marcus D. Ford

Printed Name of Plaintiff

Marcus Darnell Ford

Prison Identification # 819213

Prison Address 10274 Boyer Rd.

Carson City
City

MI
State

48811
Zip Code

Marcos D. Ford #89213
Carson City Correctional Facility
10274 Boyer Rd.
Carson City, MI 48811

United States District Court
Eastern District of Michigan
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231 Lafayette Boulevard
Detroit, MI 48226



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